

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK**
BRANDON GRANT,

Plaintiff,

**9:17-cv-1224
(GLS/DEP)**

v.

**KOPP, Correction Officer,
Shawangunk Correctional Facility,**

Defendant.

APPEARANCES:

OF COUNSEL:

FOR PLAINTIFF:

BRANDON GRANT
Plaintiff, *Pro Se*
14-A-3700
Auburn Correctional Facility
P.O. Box 618
Auburn, New York 13021

HON. BARBARA UNDERWOOD
New York Attorney General
The Capitol
Albany, New York 12224

HELENA O. PEDERSON
Assistant Attorney General

Gary L. Sharpe
Senior District Judge

ORDER

The above-captioned matter comes to this court following a Report and Recommendation by Magistrate Judge David E. Peebles, duly filed on

May 17, 2018. (Dkt. No. 22.) Following fourteen days from the service thereof, the Clerk has sent the file, including any and all objections filed by the parties herein.

No objections having been filed, and the court having reviewed the Report and Recommendation for clear error, it is hereby

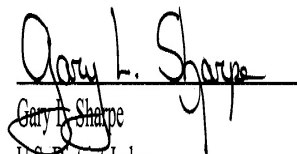
ORDERED that the Report and Recommendation (Dkt. No. 22) is **ADOPTED** in its entirety; and it is further

ORDERED that defendant's motion to dismiss (Dkt. No. 19) is **DENIED** without prejudice to defendant's right to raise the issue of exhaustion at an appropriate later juncture; and it is further

ORDERED that the Clerk provide a copy of this Order to the parties in accordance with the Local Rules.

IT IS SO ORDERED.

June 15, 2018
Albany, New York


Gary L. Sharpe
U.S. District Judge